



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,581	06/12/2000	William M. Brown	100830-10100	7826

33651 7590 03/15/2004

JERRY RICHARD POTTS
3248 VIA RIBERA
ESCONDIDO, CA 92029

EXAMINER

NAJJAR, SALEH

ART UNIT PAPER NUMBER

2157

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/594,581

Applicant(s)

BROWN ET EL

Examiner

Saleh Najjar

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 5-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-4 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

1. This action is responsive to the Preliminary amendment filed on June 14, 2001. Claim 3 was amended. Claims 5-7 were newly added. Claims 1-7 are pending.

Election/Restrictions

2. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CAR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-4, drawn to computer to computer protocol implementing classified in class 709, subclass 230.

Group II, claim(s) 5-7, computer to computer data framing classified in class 709, subclass 236.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as creating and transmitting a protocol for use in a wireless unit . See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Bernard L. Kleinke (Registration No. 22,123) on March 1, ,2004 a provisional election was made with traverse to prosecute the invention of group II, claims 5-7.

Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-4 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doviak et al., U.S. Patent No. 6,418,324 further in view of Almstead et al., U.S. Patent No. 6,499,114.

Doviak teaches the invention substantially as claimed including a system and method for transparent wireless communication between a remote device and a host system (see abstract).

As to claim 5, Doviak teaches a system for wireless networking to communicate with remote terminals, comprising:

A protocol conversion module for converting discrete function information to information formatted in IP for sending to remote terminals in data packets (see figs. 1-3, 25-28; col. 9-12; col. 31, Koviak discloses a mobile data controller 54 for converting a discrete function into packets for transmission);

A router module for internally routing said data packets (see figs. 1-3, 25-28; col. 9-12; col. 27-30, Koviak discloses a gateway and a controller for internally routing the packets to the wired network);

A wireless protocol module for creating links to the remote terminals; and a wireless device interface module for providing wireless transceiver interfacing; and at least one transceiver for responding to said interface module for sending information wirelessly to remote terminals (see figs. 1-3; figs. 25-26; col. 27-30, Koviak discloses that a mobile data controller 54 handles interfacing with the mobile data terminals).

Koviak fails to teach the claimed limitation of converting time discrete input information. Koviak does teach that the mobile terminals may comprise a GPS or a monitored system (see col. 9-12).

However, Almstead teaches a remote diagnostic system and method of collecting sensor data (see abstract). Almstead teaches converting time discrete input information into packets for routing (see col. 5, Almstead discloses that sensor conditioning and processing 27 and equipment control system 25 transform sensor data into digitized packets for routing and transmission).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Koviak in view of Almstead so that time discrete input information is collected at the mobile terminal. One would be motivated to do so to allow for remote monitoring of environmental or system control data.

As to claim 6, Koviak teaches the system of claim 1 above, Koviak fail to teach IP*GAS1d protocol.

However, Official Notice" is taken that the concept and advantages of IP*GAS1d protocol is old and well known in the art.

It would have been obvious to one of ordinary skill at the time of the invention t to modify Koviak by specifying IP*GAS1d protocol. One would be motivated to do so to allow capture of data remotely using the Internet

Claim 7 does not teach or define any new limitations above claims 5-6 and therefore is rejected for similar reasons.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ario Etienne*, can be reached on (703) 308-7562. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The fax number for the After-Final correspondence/amendment is (703) 746-7238. The fax number for official correspondence/amendment is (703) 746-7239. The fax number for Non-official draft correspondence/amendment is (703) 746-7240.

A handwritten signature in black ink, appearing to read 'Saleh Najjar', with a stylized, cursive script.

Saleh Najjar

Primary Examiner/Art Unit 2157